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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: AMH-4758.1/02

ATTY/TYPIST: GR:seg

BRIEF DESCRIPTION:

2 **SSB 6748** - S COMM AMD  
3 By Committee on Transportation

4 ADOPTED AS AMENDED 3/07/02

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 46.12.101 and 1998 c 203 s 11 are each amended to  
8 read as follows:

9 A transfer of ownership in a motor vehicle is perfected by  
10 compliance with the requirements of this section.

11 (1) If an owner transfers his or her interest in a vehicle, other  
12 than by the creation, deletion, or change of a security interest, the  
13 owner shall, at the time of the delivery of the vehicle, execute an  
14 assignment to the transferee and provide an odometer disclosure  
15 statement under RCW 46.12.124 on the certificate of ownership or as the  
16 department otherwise prescribes, and cause the certificate and  
17 assignment to be transmitted to the transferee. The owner shall notify  
18 the department or its agents or subagents, in writing, on the  
19 appropriate form, of the date of the sale or transfer, the name and  
20 address of the owner and of the transferee, the transferee's driver's  
21 license number if available, and such description of the vehicle,  
22 including the vehicle identification number, the license plate number,  
23 or both, as may be required in the appropriate form provided or  
24 approved for that purpose by the department. The report of sale will  
25 be deemed properly filed if all information required in this section is  
26 provided on the form and includes a department-authorized notation that  
27 the document was received by the department, its agents, or subagents  
28 on or before the fifth day after the sale of the vehicle, excluding  
29 Saturdays, Sundays, and state and federal holidays. Agents and  
30 subagents shall immediately electronically transmit the seller's report  
31 of sale to the department. Reports of sale processed and recorded by  
32 the department's agents or subagents may be subject to fees as  
33 specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the  
34 department shall create a system enabling the seller of a vehicle to  
35 transmit the report of sale electronically. The system created by the

1 department must immediately indicate on the department's vehicle record  
2 that a seller's report of sale has been filed.

3 (2) The requirements of subsection (1) of this section to provide  
4 an odometer disclosure statement apply to the transfer of vehicles held  
5 for lease when transferred to a lessee and then to the lessor at the  
6 end of the leasehold and to vehicles held in a fleet when transferred  
7 to a purchaser.

8 (3) Except as provided in RCW 46.70.122 the transferee shall within  
9 fifteen days after delivery to the transferee of the vehicle, execute  
10 the application for a new certificate of ownership in the same space  
11 provided therefor on the certificate or as the department prescribes,  
12 and cause the certificates and application to be transmitted to the  
13 department.

14 (4) Upon request of the owner or transferee, a secured party in  
15 possession of the certificate of ownership shall, unless the transfer  
16 was a breach of its security agreement, either deliver the certificate  
17 to the transferee for transmission to the department or, when the  
18 secured party receives the owner's assignment from the transferee, it  
19 shall transmit the transferee's application for a new certificate, the  
20 existing certificate, and the required fee to the department.  
21 Compliance with this section does not affect the rights of the secured  
22 party.

23 (5) If a security interest is reserved or created at the time of  
24 the transfer, the certificate of ownership shall be retained by or  
25 delivered to the person who becomes the secured party, and the parties  
26 shall comply with the provisions of RCW 46.12.170.

27 (6) If the purchaser or transferee fails or neglects to make  
28 application to transfer the certificate of ownership and license  
29 registration within fifteen days after the date of delivery of the  
30 vehicle, he or she shall on making application for transfer be assessed  
31 a twenty-five dollar penalty on the sixteenth day and two dollars  
32 additional for each day thereafter, but not to exceed one hundred  
33 dollars. The director may by rule establish conditions under which the  
34 penalty will not be assessed when an application for transfer is  
35 delayed for reasons beyond the control of the purchaser. Conditions  
36 for not assessing the penalty may be established for but not limited to  
37 delays caused by:

38 (a) The department requesting additional supporting documents;

39 (b) Extended hospitalization or illness of the purchaser;

1 (c) Failure of a legal owner to release his or her interest;  
2 (d) Failure, negligence, or nonperformance of the department,  
3 auditor, or subagent.

4 Failure or neglect to make application to transfer the certificate  
5 of ownership and license registration within forty-five days after the  
6 date of delivery of the vehicle is a misdemeanor.

7 (7) Upon receipt of an application for reissue or replacement of a  
8 certificate of ownership and transfer of license registration,  
9 accompanied by the endorsed certificate of ownership or other  
10 documentary evidence as is deemed necessary, the department shall, if  
11 the application is in order and if all provisions relating to the  
12 certificate of ownership and license registration have been complied  
13 with, issue new certificates of title and license registration as in  
14 the case of an original issue and shall transmit the fees together with  
15 an itemized detailed report to the state treasurer, to be deposited in  
16 the motor vehicle fund.

17 (8) Once each quarter the department shall report to the department  
18 of revenue a list of those vehicles for which a seller's report has  
19 been received but no transfer of title has taken place.

20 **Sec. 2.** RCW 46.12.102 and 1984 c 39 s 2 are each amended to read  
21 as follows:

22 (1) An owner who has made a bona fide sale or transfer of a vehicle  
23 and has delivered possession of it to a purchaser shall not by reason  
24 of any of the provisions of this title be deemed the owner of the  
25 vehicle so as to be subject to civil liability or criminal liability  
26 for the operation of the vehicle thereafter by another person when the  
27 owner has also fulfilled both of the following requirements:

28 ~~((1))~~ (a) When ~~((he))~~ the owner has made proper endorsement and  
29 delivery of the certificate of ownership and has delivered the  
30 certificate of registration as provided in this chapter;

31 ~~((2))~~ (b) When ~~((he))~~ the owner has delivered to the department  
32 either ~~((the notice as provided in))~~ a properly filed report of sale  
33 that includes all of the information required in RCW 46.12.101(1) and  
34 is delivered to the department within five days of the sale of the  
35 vehicle excluding Saturdays, Sundays, and state and federal holidays,  
36 or appropriate documents for registration of the vehicle pursuant to  
37 the sale or transfer.

1       (2) When a registered tow truck operator submits an abandoned  
2 vehicle report to the department for a vehicle sold at an abandoned  
3 vehicle auction, any previous owner is relieved of civil or criminal  
4 liability for the operation of the vehicle from the date of sale  
5 thereafter, and liability is transferred to the purchaser of the  
6 vehicle as listed on the abandoned vehicle report.

7       **Sec. 3.** RCW 46.20.031 and 1999 c 6 s 7 are each amended to read as  
8 follows:

9       The department shall not issue a driver's license to a person:

10       (1) Who is under the age of sixteen years;

11       (2) Whose driving privilege has been withheld unless and until the  
12 department may authorize the driving privilege under RCW 46.20.311;

13       (3) Who has been classified as an alcoholic, drug addict, alcohol  
14 abuser, or drug abuser by a program approved by the department of  
15 social and health services. The department may, however, issue a  
16 license if the person:

17       (a) Has been granted a deferred prosecution under chapter 10.05  
18 RCW; or

19       (b) Is satisfactorily participating in or has successfully  
20 completed an alcohol or drug abuse treatment program approved by the  
21 department of social and health services and has established control of  
22 his or her alcohol or drug abuse problem;

23       (4) Who has previously been adjudged to be mentally ill or insane,  
24 or to be incompetent due to a mental disability or disease. The  
25 department shall, however, issue a license to the person if he or she  
26 otherwise qualifies and:

27       (a) Has been restored to competency by the methods provided by law;  
28 or

29       (b) The superior court finds the person able to operate a motor  
30 vehicle with safety upon the highways during such incompetency;

31       (5) Who has not passed the driver's licensing examination required  
32 by RCW 46.20.120 and 46.20.305, if applicable;

33       (6) Who is required under the laws of this state to deposit proof  
34 of financial responsibility and who has not deposited such proof;

35       (7) Who is unable to safely operate a motor vehicle upon the  
36 highways due to a physical or mental disability. The department's  
37 conclusion that a person is barred from licensing under this subsection  
38 must be reasonable and be based upon good and substantial evidence.

1 This determination is subject to review by a court of competent  
2 jurisdiction((;

3 ~~(8) Who has violated his or her written promise to appear, respond,~~  
4 ~~or comply regarding a notice of infraction issued for abandonment of a~~  
5 ~~vehicle in violation of RCW 46.55.105, unless:~~

6 ~~(a) The court has not notified the department of the violation;~~

7 ~~(b) The department has received notice from the court showing that~~  
8 ~~the person has been found not to have committed the violation of RCW~~  
9 ~~46.55.105; or~~

10 ~~(c) The person has paid all monetary penalties owing, including~~  
11 ~~completion of community service, and the court is satisfied that the~~  
12 ~~person has made restitution as provided by RCW 46.55.105(2)).~~

13 **Sec. 4.** RCW 46.20.289 and 1999 c 274 s 1 are each amended to read  
14 as follows:

15 The department shall suspend all driving privileges of a person  
16 when the department receives notice from a court under RCW  
17 46.63.070(~~(+5)~~) (6), 46.63.110(5), or 46.64.025 that the person has  
18 failed to respond to a notice of traffic infraction, failed to appear  
19 at a requested hearing, violated a written promise to appear in court,  
20 or has failed to comply with the terms of a notice of traffic  
21 infraction or citation, other than for ~~((a notice of a violation of RCW~~  
22 ~~46.55.105—or))~~ a standing, stopping, or parking violation. A  
23 suspension under this section takes effect thirty days after the date  
24 the department mails notice of the suspension, and remains in effect  
25 until the department has received a certificate from the court showing  
26 that the case has been adjudicated, and until the person meets the  
27 requirements of RCW 46.20.311. In the case of failure to respond to a  
28 traffic infraction issued under RCW 46.55.105, the department shall  
29 suspend all driving privileges until the person provides evidence from  
30 the court that all penalties and restitution have been paid. A  
31 suspension under this section does not take effect if, prior to the  
32 effective date of the suspension, the department receives a certificate  
33 from the court showing that the case has been adjudicated.

34 **Sec. 5.** RCW 46.55.075 and 1999 c 398 s 3 are each amended to read  
35 as follows:

1       (1) The Washington state patrol shall provide by rule for a uniform  
2 impound authorization and inventory form. All law enforcement agencies  
3 must use this form for all vehicle impounds after June 30, 2001.

4       (2) By January 1, 2003, the Washington state patrol shall develop  
5 uniform impound procedures, which must include but are not limited to  
6 defining an impound and a visual inspection. Local law enforcement  
7 agencies shall adopt the procedures by July 1, 2003.

8       **Sec. 6.** RCW 46.55.085 and 1993 c 121 s 1 are each amended to read  
9 as follows:

10       (1) A law enforcement officer discovering an unauthorized vehicle  
11 left within a highway right of way shall attach to the vehicle a  
12 readily visible notification sticker. The sticker shall contain the  
13 following information:

14       (a) The date and time the sticker was attached;

15       (b) The identity of the officer;

16       (c) A statement that if the vehicle is not removed within twenty-  
17 four hours from the time the sticker is attached, the vehicle may be  
18 taken into custody and stored at the owner's expense; (~~and~~)

19       (d) A statement that if the vehicle is not redeemed as provided in  
20 RCW 46.55.120, the registered owner will have committed the traffic  
21 infraction of littering--abandoned vehicle; and

22       (e) The address and telephone number where additional information  
23 may be obtained.

24       (2) If the vehicle has current Washington registration plates, the  
25 officer shall check the records to learn the identity of the last owner  
26 of record. The officer or his department shall make a reasonable  
27 effort to contact the owner by telephone in order to give the owner the  
28 information on the notification sticker.

29       (3) If the vehicle is not removed within twenty-four hours from the  
30 time the notification sticker is attached, the law enforcement officer  
31 may take custody of the vehicle and provide for the vehicle's removal  
32 to a place of safety. A vehicle that does not pose a safety hazard may  
33 remain on the roadside for more than twenty-four hours if the owner or  
34 operator is unable to remove it from the place where it is located and  
35 so notifies law enforcement officials and requests assistance.

36       (4) For the purposes of this section a place of safety includes the  
37 business location of a registered tow truck operator.

1        NEW SECTION.    **Sec. 7.**    The Washington state patrol and local law  
2 enforcement agencies shall convene a task force to consider the  
3 advantages and disadvantages of law enforcement agencies immediately  
4 transmitting, electronically or by facsimile, the impound authorization  
5 form to the impounding tow operator.    The task force shall report its  
6 findings and recommendations to the house of representatives and senate  
7 transportation committees by January 1, 2003.

8        NEW SECTION.    **Sec. 8.**    The department of licensing shall study the  
9 feasibility of requiring the seller of a vehicle to remove the  
10 vehicle's license plates at the time of the sale.    The department shall  
11 specifically examine the fiscal impacts of implementing this proposal,  
12 the experiences of other states, and the advantages and disadvantages  
13 of this proposal.    The department shall report its findings and  
14 recommendations to the house of representatives and senate  
15 transportation committees by January 1, 2003.

16        **Sec. 9.**    RCW 46.55.100 and 1999 c 398 s 5 are each amended to read  
17 as follows:

18        (1) At the time of impoundment the registered tow truck operator  
19 providing the towing service shall give immediate notification, by  
20 telephone or radio, to a law enforcement agency having jurisdiction who  
21 shall maintain a log of such reports.    A law enforcement agency, or a  
22 private communication center acting on behalf of a law enforcement  
23 agency, shall within six to twelve hours of the impoundment, provide to  
24 a requesting operator the name and address of the legal and registered  
25 owners of the vehicle, and the registered owner of any personal  
26 property registered or titled with the department that is attached to  
27 or contained in or on the impounded vehicle, the vehicle identification  
28 number, and any other necessary, pertinent information.    The initial  
29 notice of impoundment shall be followed by a written or electronic  
30 facsimile notice within twenty-four hours.    In the case of a vehicle  
31 from another state, time requirements of this subsection do not apply  
32 until the requesting law enforcement agency in this state receives the  
33 information.

34        (2) The operator shall immediately send an abandoned vehicle report  
35 to the department for any vehicle, and for any items of personal  
36 property registered or titled with the department, that are in the  
37 operator's possession after the one hundred twenty hour abandonment

1 period. Such report need not be sent when the impoundment is pursuant  
2 to a writ, court order, or police hold that is not a suspended license  
3 impound. The owner notification and abandonment process shall be  
4 initiated by the registered tow truck operator immediately following  
5 notification by a court or law enforcement officer that the writ, court  
6 order, or police hold that is not a suspended license impound is no  
7 longer in effect.

8 (3) Following the submittal of an abandoned vehicle report, the  
9 department shall provide the registered tow truck operator with owner  
10 information within seventy-two hours.

11 (4) Within fourteen days of the sale of an abandoned vehicle at  
12 public auction, the towing operator shall send a copy of the abandoned  
13 vehicle report showing the disposition of the abandoned vehicle and any  
14 other items of personal property registered or titled with the  
15 department to the ~~((crime information center of the Washington state  
16 patrol))~~ department. The vehicle buyer information sent to the  
17 department on the abandoned vehicle report relieves the previous owner  
18 of the vehicle from any civil or criminal liability for the operation  
19 of the vehicle from the date of sale thereafter and transfers full  
20 liability for the vehicle to the buyer. By January 1, 2003, the  
21 department shall create a system enabling tow truck operators the  
22 option of sending the portion of the abandoned vehicle report that  
23 contains the vehicle's buyer information to the department  
24 electronically.

25 (5) If the operator sends an abandoned vehicle report to the  
26 department and the department finds no owner information, an operator  
27 may proceed with an inspection of the vehicle and any other items of  
28 personal property registered or titled with the department to determine  
29 whether owner identification is within the vehicle.

30 (6) If the operator finds no owner identification, the operator  
31 shall immediately notify the appropriate law enforcement agency, which  
32 shall search the vehicle and any other items of personal property  
33 registered or titled with the department for the vehicle identification  
34 number or other appropriate identification numbers and check the  
35 necessary records to determine the vehicle's or other property's  
36 owners.

37 **Sec. 10.** RCW 46.55.105 and 1999 c 86 s 5 are each amended to read  
38 as follows:

1 (1) The abandonment of any vehicle creates a prima facie  
2 presumption that the last registered owner of record is responsible for  
3 the abandonment and is liable for costs incurred in removing, storing,  
4 and disposing of the abandoned vehicle, less amounts realized at  
5 auction.

6 (2) If an unauthorized vehicle is found abandoned under subsection  
7 (1) of this section and removed at the direction of law enforcement,  
8 the last registered owner of record is guilty of ((a)) the traffic  
9 infraction of "littering--abandoned vehicle," unless the vehicle is  
10 redeemed as provided in RCW 46.55.120. In addition to any other  
11 monetary penalty payable under chapter 46.63 RCW, the court shall not  
12 consider all monetary penalties as having been paid until the court is  
13 satisfied that the person found to have committed the infraction has  
14 made restitution in the amount of the deficiency remaining after  
15 disposal of the vehicle under RCW 46.55.140.

16 (3) A vehicle theft report filed with a law enforcement agency  
17 relieves the last registered owner of liability under subsection (2) of  
18 this section for failure to redeem the vehicle. However, the last  
19 registered owner remains liable for the costs incurred in removing,  
20 storing, and disposing of the abandoned vehicle under subsection (1) of  
21 this section. Nothing in this section limits in any way the registered  
22 owner's rights in a civil action or as restitution in a criminal action  
23 against a person responsible for the theft of the vehicle.

24 (4) Properly filing a report of sale or transfer regarding the  
25 vehicle involved in accordance with RCW 46.12.101(1) relieves the last  
26 registered owner of liability under subsections (1) and (2) of this  
27 section. If the date of sale as indicated on the report of sale is on  
28 or before the date of impoundment, the buyer identified on the latest  
29 properly filed report of sale with the department is assumed liable for  
30 the costs incurred in removing, storing, and disposing of the abandoned  
31 vehicle, less amounts realized at auction. If the date of sale is  
32 after the date of impoundment, the previous registered owner is assumed  
33 to be liable for such costs. A licensed vehicle dealer is not liable  
34 under subsections (1) and (2) of this section if the dealer, as  
35 transferee or assignee of the last registered owner of the vehicle  
36 involved, has complied with the requirements of RCW 46.70.122 upon  
37 selling or otherwise disposing of the vehicle, or if the dealer has  
38 timely filed a transitional ownership record or report of sale under  
39 RCW 46.12.103. In that case the person to whom the licensed vehicle

1 dealer has sold or transferred the vehicle is assumed liable for the  
2 costs incurred in removing, storing, and disposing of the abandoned  
3 vehicle, less amounts realized at auction.

4 (5) For the purposes of reporting notices of traffic infraction to  
5 the department under RCW 46.20.270 and 46.52.101, and for purposes of  
6 reporting notices of failure to appear, respond, or comply regarding a  
7 notice of traffic infraction to the department under RCW  
8 46.63.070(~~((+5))~~) (6), a traffic infraction under subsection (2) of this  
9 section is not considered to be a standing, stopping, or parking  
10 violation.

11 (6) A notice of infraction for a violation of this section may be  
12 filed with a court of limited jurisdiction organized under Title 3, 35,  
13 or 35A RCW, or with a violations bureau subject to the court's  
14 jurisdiction.

15 **Sec. 11.** RCW 46.55.110 and 1999 c 398 s 6 are each amended to read  
16 as follows:

17 (1) When an unauthorized vehicle is impounded, the impounding  
18 towing operator shall notify the legal and registered owners of the  
19 impoundment of the unauthorized vehicle and the owners of any other  
20 items of personal property registered or titled with the department.  
21 The notification shall be sent by first-class mail within twenty-four  
22 hours after the impoundment to the last known registered and legal  
23 owners of the vehicle, and the owners of any other items of personal  
24 property registered or titled with the department, as provided by the  
25 law enforcement agency, and shall inform the owners of the identity of  
26 the person or agency authorizing the impound. The notification shall  
27 include the name of the impounding tow firm, its address, and telephone  
28 number. The notice shall also include the location, time of the  
29 impound, and by whose authority the vehicle was impounded. The notice  
30 shall also include the written notice of the right of redemption and  
31 opportunity for a hearing to contest the validity of the impoundment  
32 pursuant to RCW 46.55.120.

33 (2) In addition, if a suspended license impound has been ordered,  
34 the notice must state the length of the impound, the requirement of the  
35 posting of a security deposit to ensure payment of the costs of  
36 removal, towing, and storage, notification that if the security deposit  
37 is not posted the vehicle will immediately be processed and sold at  
38 auction as an abandoned vehicle, and the requirements set out in RCW

1 46.55.120(1)(b) regarding the payment of the costs of removal, towing,  
2 and storage as well as providing proof of satisfaction of any  
3 penalties, fines, or forfeitures before redemption. The notice must  
4 also state that the registered owner is ineligible to purchase the  
5 vehicle at the abandoned vehicle auction, if held.

6 (3) In the case of an abandoned vehicle, or other item of personal  
7 property registered or titled with the department, within twenty-four  
8 hours after receiving information on the owners from the department  
9 through the abandoned vehicle report, the tow truck operator shall send  
10 by certified mail, with return receipt requested, a notice of custody  
11 and sale to the legal and registered owners and of the penalties for  
12 the traffic infraction littering--abandoned vehicle.

13 (4) If the date on which a notice required by subsection (3) of  
14 this section is to be mailed falls upon a Saturday, Sunday, or a postal  
15 holiday, the notice may be mailed on the next day that is neither a  
16 Saturday, Sunday, nor a postal holiday.

17 (5) No notices need be sent to the legal or registered owners of an  
18 impounded vehicle or other item of personal property registered or  
19 titled with the department, if the vehicle or personal property has  
20 been redeemed.

21 **Sec. 12.** RCW 46.55.130 and 2000 c 193 s 2 are each amended to read  
22 as follows:

23 (1) If, after the expiration of fifteen days from the date of  
24 mailing of notice of custody and sale required in RCW 46.55.110(3) to  
25 the registered and legal owners, the vehicle remains unclaimed and has  
26 not been listed as a stolen vehicle, or a suspended license impound has  
27 been directed, but no security paid under RCW 46.55.120, then the  
28 registered tow truck operator having custody of the vehicle shall  
29 conduct a sale of the vehicle at public auction after having first  
30 published a notice of the date, place, and time of the auction in a  
31 newspaper of general circulation in the county in which the vehicle is  
32 located not less than three days and no more than ten days before the  
33 date of the auction. The notice shall contain a description of the  
34 vehicle including the make, model, year, and license number and a  
35 notification that a three-hour public viewing period will be available  
36 before the auction. The auction shall be held during daylight hours of  
37 a normal business day.

1 (2) The following procedures are required in any public auction of  
2 such abandoned vehicles:

3 (a) The auction shall be held in such a manner that all persons  
4 present are given an equal time and opportunity to bid;

5 (b) All bidders must be present at the time of auction unless they  
6 have submitted to the registered tow truck operator, who may or may not  
7 choose to use the preauction bid method, a written bid on a specific  
8 vehicle. Written bids may be submitted up to five days before the  
9 auction and shall clearly state which vehicle is being bid upon, the  
10 amount of the bid, and who is submitting the bid;

11 (c) The open bid process, including all written bids, shall be used  
12 so that everyone knows the dollar value that must be exceeded;

13 (d) The highest two bids received shall be recorded in written form  
14 and shall include the name, address, and telephone number of each such  
15 bidder;

16 (e) In case the high bidder defaults, the next bidder has the right  
17 to purchase the vehicle for the amount of his or her bid;

18 (f) The successful bidder shall apply for title within fifteen  
19 days;

20 (g) The registered tow truck operator shall post a copy of the  
21 auction procedure at the bidding site. If the bidding site is  
22 different from the licensed office location, the operator shall post a  
23 clearly visible sign at the office location that describes in detail  
24 where the auction will be held. At the bidding site a copy of the  
25 newspaper advertisement that lists the vehicles for sale shall be  
26 posted;

27 (h) All surplus moneys derived from the auction after satisfaction  
28 of the registered tow truck operator's lien shall be remitted within  
29 thirty days to the department for deposit in the state motor vehicle  
30 fund. A report identifying the vehicles resulting in any surplus shall  
31 accompany the remitted funds. If the director subsequently receives a  
32 valid claim from the registered vehicle owner of record as determined  
33 by the department within one year from the date of the auction, the  
34 surplus moneys shall be remitted to such owner;

35 (i) If an operator receives no bid, or if the operator is the  
36 successful bidder at auction, the operator shall, within forty-five  
37 days, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or  
38 scrap processor by use of the abandoned vehicle report-affidavit of  
39 sale, or the operator shall apply for title to the vehicle.

1       (3) A tow truck operator may refuse to accept a bid at an abandoned  
2 vehicle auction under this section for any reason in the operator's  
3 posted operating procedures and for any of the following reasons: (a)  
4 The bidder is currently indebted to the operator; (b) the operator has  
5 knowledge that the bidder has previously abandoned vehicles purchased  
6 at auction; or (c) the bidder has purchased, at auction, more than four  
7 vehicles in the last calendar year without obtaining title to any or  
8 all of the vehicles. In no case may an operator hold a vehicle for  
9 longer than ninety days without holding an auction on the vehicle,  
10 except for vehicles that are under a police or judicial hold.

11       (4)(a) In no case may the accumulation of storage charges exceed  
12 fifteen days from the date of receipt of the information by the  
13 operator from the department as provided by RCW 46.55.110(3).

14       (b) The failure of the registered tow truck operator to comply with  
15 the time limits provided in this chapter limits the accumulation of  
16 storage charges to five days except where delay is unavoidable.  
17 Providing incorrect or incomplete identifying information to the  
18 department in the abandoned vehicle report shall be considered a  
19 failure to comply with these time limits if correct information is  
20 available. However, storage charges begin to accrue again on the date  
21 the correct and complete information is provided to the department by  
22 the registered tow truck operator.

23       **Sec. 13.** RCW 46.55.230 and 2001 c 139 s 3 are each amended to read  
24 as follows:

25       (1)(a) Notwithstanding any other provision of law, any law  
26 enforcement officer having jurisdiction, or any employee or officer of  
27 a jurisdictional health department acting pursuant to RCW 70.95.240, or  
28 any person authorized by the director shall inspect and may authorize  
29 the disposal of an abandoned junk vehicle. The person making the  
30 inspection shall record the make and vehicle identification number or  
31 license number of the vehicle if available, and shall also verify that  
32 the approximate value of the junk vehicle is equivalent only to the  
33 approximate value of the ~~((scrap in it))~~ parts.

34       (b) A tow truck operator may authorize the disposal of an abandoned  
35 junk vehicle if the vehicle has been abandoned two or more times, the  
36 registered ownership information has not changed since the first  
37 abandonment, and the registered owner is also the legal owner.

1 (2) The law enforcement officer or department representative shall  
2 provide information on the vehicle's registered and legal owner to the  
3 landowner.

4 (3) Upon receiving information on the vehicle's registered and  
5 legal owner, the landowner shall mail a notice to the registered and  
6 legal owners shown on the records of the department. The notification  
7 shall describe the redemption procedure and the right to arrange for  
8 the removal of the vehicle.

9 (4) If the vehicle remains unclaimed more than fifteen days after  
10 the landowner has mailed notification to the registered and legal  
11 owner, the landowner may dispose of the vehicle or sign an affidavit of  
12 sale to be used as a title document.

13 (5) If no information on the vehicle's registered and legal owner  
14 is found in the records of the department, the landowner may  
15 immediately dispose of the vehicle or sign an affidavit of sale to be  
16 used as a title document.

17 (6) It is a gross misdemeanor for a person to abandon a junk  
18 vehicle on property. If a junk vehicle is abandoned, the vehicle's  
19 registered owner shall also pay a cleanup restitution payment equal to  
20 twice the costs incurred in the removal of the junk vehicle. The court  
21 shall distribute one-half of the restitution payment to the landowner  
22 of the property upon which the junk vehicle is located, and one-half of  
23 the restitution payment to the law enforcement agency or jurisdictional  
24 health department investigating the incident.

25 (7) For the purposes of this section, the term "landowner" includes  
26 a legal owner of private property, a person with possession or control  
27 of private property, or a public official having jurisdiction over  
28 public property.

29 (8) A person complying in good faith with the requirements of this  
30 section is immune from any liability arising out of an action taken or  
31 omission made in the compliance.

32 **Sec. 14.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read  
33 as follows:

34 (1) A law enforcement officer has the authority to issue a notice  
35 of traffic infraction:

36 (a) When the infraction is committed in the officer's presence;

1 (b) When the officer is acting upon the request of a law  
2 enforcement officer in whose presence the traffic infraction was  
3 committed; or

4 (c) If an officer investigating at the scene of a motor vehicle  
5 accident has reasonable cause to believe that the driver of a motor  
6 vehicle involved in the accident has committed a traffic infraction.

7 (2) A court may issue a notice of traffic infraction upon receipt  
8 of a written statement of the officer that there is reasonable cause to  
9 believe that an infraction was committed.

10 (3) If any motor vehicle without a driver is found parked,  
11 standing, or stopped in violation of this title or an equivalent  
12 administrative regulation or local law, ordinance, regulation, or  
13 resolution, the officer finding the vehicle shall take its registration  
14 number and may take any other information displayed on the vehicle  
15 which may identify its user, and shall conspicuously affix to the  
16 vehicle a notice of traffic infraction.

17 (4) In the case of failure to redeem an abandoned vehicle under RCW  
18 46.55.120, upon receiving a complaint by a registered tow truck  
19 operator that has incurred costs in removing, storing, and disposing of  
20 an abandoned vehicle, an officer of the law enforcement agency  
21 responsible for directing the removal of the vehicle shall send a  
22 notice of infraction by certified mail to the last known address of the  
23 (~~registered owner of the vehicle~~) person responsible under RCW  
24 46.55.105. The notice must be entitled "Littering--Abandoned Vehicle"  
25 and give notice of the monetary penalty. The officer shall append to  
26 the notice of infraction, on a form prescribed by the department of  
27 licensing, a notice indicating the amount of costs incurred as a result  
28 of removing, storing, and disposing of the abandoned vehicle, less any  
29 amount realized at auction, and a statement that monetary penalties for  
30 the infraction will not be considered as having been paid until the  
31 monetary penalty payable under this chapter has been paid and the court  
32 is satisfied that the person has made restitution in the amount of the  
33 deficiency remaining after disposal of the vehicle.

34 **Sec. 15.** RCW 46.63.110 and 2001 c 289 s 2 are each amended to read  
35 as follows:

36 (1) A person found to have committed a traffic infraction shall be  
37 assessed a monetary penalty. No penalty may exceed two hundred and

1 fifty dollars for each offense unless authorized by this chapter or  
2 title.

3 (2) The monetary penalty for a violation of RCW 46.55.105(2) is two  
4 hundred fifty dollars for each offense. No penalty assessed under this  
5 subsection (2) may be reduced.

6 (3) The supreme court shall prescribe by rule a schedule of  
7 monetary penalties for designated traffic infractions. This rule shall  
8 also specify the conditions under which local courts may exercise  
9 discretion in assessing fines and penalties for traffic infractions.  
10 The legislature respectfully requests the supreme court to adjust this  
11 schedule every two years for inflation.

12 ~~((+3))~~ (4) There shall be a penalty of twenty-five dollars for  
13 failure to respond to a notice of traffic infraction except where the  
14 infraction relates to parking as defined by local law, ordinance,  
15 regulation, or resolution or failure to pay a monetary penalty imposed  
16 pursuant to this chapter. A local legislative body may set a monetary  
17 penalty not to exceed twenty-five dollars for failure to respond to a  
18 notice of traffic infraction relating to parking as defined by local  
19 law, ordinance, regulation, or resolution. The local court, whether a  
20 municipal, police, or district court, shall impose the monetary penalty  
21 set by the local legislative body.

22 ~~((+4))~~ (5) Monetary penalties provided for in chapter 46.70 RCW  
23 which are civil in nature and penalties which may be assessed for  
24 violations of chapter 46.44 RCW relating to size, weight, and load of  
25 motor vehicles are not subject to the limitation on the amount of  
26 monetary penalties which may be imposed pursuant to this chapter.

27 ~~((+5))~~ (6) Whenever a monetary penalty is imposed by a court under  
28 this chapter it is immediately payable. If the person is unable to pay  
29 at that time the court may, in its discretion, grant an extension of  
30 the period in which the penalty may be paid. If the penalty is not  
31 paid on or before the time established for payment the court shall  
32 notify the department of the failure to pay the penalty, and the  
33 department shall suspend the person's driver's license or driving  
34 privilege until the penalty has been paid and the penalty provided in  
35 subsection ~~((+3))~~ (4) of this section has been paid.

36 ~~((+6))~~ (7) In addition to any other penalties imposed under this  
37 section and not subject to the limitation of subsection (1) of this  
38 section, a person found to have committed a traffic infraction shall be  
39 assessed a fee of five dollars per infraction. Under no circumstances

1 shall this fee be reduced or waived. Revenue from this fee shall be  
2 forwarded to the state treasurer for deposit in the emergency medical  
3 services and trauma care system trust account under RCW 70.168.040.

4 ~~((+7))~~ (8)(a) In addition to any other penalties imposed under  
5 this section and not subject to the limitation of subsection (1) of  
6 this section, a person found to have committed a traffic infraction  
7 other than of RCW 46.61.527 shall be assessed an additional penalty of  
8 ten dollars. The court may not reduce, waive, or suspend the  
9 additional penalty unless the court finds the offender to be indigent.  
10 If a community service program for offenders is available in the  
11 jurisdiction, the court shall allow offenders to offset all or a part  
12 of the penalty due under this subsection ~~((+7))~~ (8) by participation  
13 in the community service program.

14 (b) Revenue from the additional penalty must be remitted under  
15 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
16 under this subsection to the state treasurer must be deposited as  
17 provided in RCW 43.08.250. The balance of the revenue received by the  
18 county or city treasurer under this subsection must be deposited into  
19 the county or city current expense fund. Moneys retained by the city  
20 or county under this subsection shall constitute reimbursement for any  
21 liabilities under RCW 43.135.060."

EFFECT: Makes a number of technical amendments correcting drafting errors and adding language to clarify legislative intent.

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